

MEDINA CITY COUNCIL REGULAR MEETING MINUTES

Regular Meeting – July 12, 2004

ROLL CALL:

COUNCIL MEMBERS PRESENT: Mayor Mary Odermat, Deputy Mayor Todd Nunn, Miles Adam, Drew Blazey, Katie Phelps, and Robert Rudolph.

ABSENT AND EXCUSED: Pete Vall-Spinosa

STAFF PRESENT: City Attorney, Kirk Wines, City Manager, Doug Schulze, and Acting Recording Secretary, La Tanya Banks.

CALL TO ORDER: Mayor Odermat called the regular meeting of the Medina City Council to order at 7:00 p.m. at the Medina City Hall Council Chambers.

Mayor Odermat addressed the audience and advised that it was the consensus of the Council to defer the rest of the agenda until later in the evening, and move right into the public hearing

PUBLIC HEARING: Draft Ordinance Establishing Dog Control Regulations in Medina Park

Mayor Odermat opened the public hearing: Draft Ordinance Establishing Dog control Regulations in Medina Park, and read a statement prepared by City Attorney, Kirk Wines, which outlined the rules and procedures for this hearing, and reminded that the Council was under no legal obligation to conduct a public hearing on dog regulations, but this hearing was being conducted because the Council wanted to hear from the citizens.

City Manager, Doug Schulze addressed the Council and gave a PowerPoint presentation, and explained that this presentation was intended to provide a common understanding of the existing park rules established by Medina Municipal Code as well as a summary of the options for the Council to consider which have been identified by city staff as well as the proposed recommendation of the Medina Park Board.

Mayor Odermat opened the floor to public testimony.

Tim O'Brien 7657 N.E. 14th Street – Medina (City of Medina Park Board)

Mr. O'Brien, addressed the Council as a resident of 3 years, and dog owner who makes extensive use of the park, explaining that his consideration here was not to have dogs stop

using the park, but to come to some sort of comfortable compromise. “I just hope for all citizens concerned that the Council take into consideration that it seemed like a fair compromise to have an off-leash area and an on-leash area at the same time,” Mr. O’Brien stated.

**Mark Crickmore 7629 N.E. 12th Street – Medina
37 year Medina Resident**

Mr. Crickmore addressed the Council advising that he was in favor of a new initiative, and reminded that the park was dedicated to the people of Medina, and that the people shouldn’t be afraid to use the park for fear of being attacked, threatened, knocked down, get their clothes muddied and wet, or otherwise harassed. “I’d like there to be separation, but the most important thing is enforcement”, Mr. Crickmore stressed.

**Tom Bacher 918 Sunset Way - Bellevue
22 year Medina Resident**

“ . . . the people of this state do not yield their rights to agencies who serve them. The people delegating authority do not give the public servants the right to decide what is good for the people. . . ”. Mr. Bacher quoted a section of the Open Public Meeting Act of 1971, and advised that he did not think this rule was being followed, and explained that the nature and size of Medina Park has not changed in the last few years, and the number of park visitors has not increased. “Ordinance 489 was based on extensive reviews and therefore should be maintained”, Mr. Bacher voiced.

**Susannah Stuart 1250 80th Place – Medina
(City of Medina Park Board)**

Ms. Stuart addressed the Council applauding the passion demonstrated by the dog community, but stressed that it was important to note that Medina Park was originally built for the people and is a park for the people and their dogs, not a dog or puppy park. Ms. Stewart felt the proposed division of Medina Park was a compromise that addressed the needs of all and not just those of a select segment of the community.

**Lisa Fleischman 7641 N.E. 12th Street – Medina
(City of Medina Park Board)**

Ms. Fleischman addressed the Council as a citizen, a dog owner, and a kid owner, advising that she was in support of the new park ordinance, and explained how the proposed changes reflected a park system that was more respectful and inclusive than the current ordinance, especially for those with small children and the elderly.

**Herbert Farber 10655 N.E. 4th - Bellevue
Attorney at Law representing the following:
William and Louise Kinzel 802 80th Avenue S.E. – Medina
Anthony Shapiro and Karen Sparks 853 83rd Avenue N.E. Medina**

Roger and Cathy Barbee 1687 77th Avenue N.E. – Medina

Mr. Farber addressed the Council on the behalf of the above named clients and explained that it was the concern of his clients that the Council was being put in the position to overreact to very few complaints made by very few people of minor significance, and stated that this amendment was primarily fueled and driven by the memorandum dated April 28, 2004, by the Parks Department which is full of conclusive statements. “ My clients are concerned that these are complaints that can be ameliorated much less drastically than what is being proposed through the Council”. Mr. Farber has filed a Public Records Disclosure Act Request on behalf of his clients.

Suzanne Goodknight 12927 S.E. 7th Place – Bellevue

Ms. Goodknight addressed the Council, advising of a medical condition she has regarding her hip, and explained how coming to the park and seeing the dogs and their owners helped distract her from the pain, and was the best time of the day for her. “ If we have to use the east side of the park where there is hardly any shade on a hot day, there will just be no where to go,” Ms. Goodknight explained.

Karen Johnson 9620 N.E. 25th Street – Clyde Hill

Ms. Johnson addressed the Council advising that the perception in the community was that the Council had made its decision to limit park use by dog owners and their dogs. If this was true, Ms. Johnson questioned, why would the Council not first survey the residents before making such a huge decision on their behalf, and went on to request documentation which collaborated the allegations.

Douglas Jones 9406 Vineyard Crest – Bellevue

Mr. Jones addressed the Council explaining that his concern was the direction that the resolution was taking in which there would be an on-leash path only area to the west, and questioned what a mother who brings her child and dog on a leash is to do when she can't leave the path, nor can she take the dog to the play area. “I'm not sure this is well thought out at this point and I would ask that you do that before you make any decision” Mr. Jones urged.

**Tony Shapiro 853 83rd Avenue N.E. – Medina
10-year resident**

Mr. Shapiro addressed the Council explaining that one of the things that troubled him about this proceeding was the process itself, and stated that he felt there was a rush to a conclusion without anyone stepping back and evaluating what options were available, and questioned why the option of looking at the hours when people really walk their dogs had not been analyzed. “ The Council should step back and take a breath instead of rushing into a decision”.

Wilma Edmonds 7721 N.E. 24th Street – Medina

Ms. Edmonds addressed the Council with 581 signatures from citizens in the community who would like for the current ordinance to remain in effect and explained that they have a designated representative who has spoken with the Park Board, a member of this Council, and a staff member regarding other options and stated that she found it to be short sided on the part of the Council not to have considered what they might ask the citizens to do as volunteers. “ We would be happy to do something and not do nothing”.

Gerry Ziefers 7640 N.E. 8th Street – Medina

Mr. Ziefers addressed the Council advising that he was in favor of segregation of the park and although he was not sure if a time based schedule or seasonal schedule would be the best thing, he urged the Council to explore segregation with the goal of making sure there is always an area in the park that kids feel safe in, no matter what is going on with the dogs.

Ron Santi 7842 N.E. 86th – Medina

Mr. Santi addressed the Council advising that there was a better way to go about this, and suggested that a leashed dog be allowed anywhere in the park, asked that the 35ft limit be extended to 100 yards, and requested that the restrictions be made seasonal if in fact there were going to be any, such as from June through August.

**Joseph Brazen 3204 Evergreen Point Road – Medina
(City of Medina Park Board)**

Mr. Brazen addressed the Council reminding that this issue was not about dogs or dogs running amuck, but about people, and explained that the Park Board passed this motion unanimously to open the park to more of it's residents and to allow more people to enjoy more of the park. “ The perception out there was that it was a dog park and not a people park, so now when people move into the city, they accept this legend, and most never go into the park because of this label”, Mr. Brazen stressed.

Matt Roberts 2221 Evergreen Point Road – Medina

Mr. Roberts addressed the Council advising that he was in favor of looking at other solutions rather than dividing the park, and stressed that there were other ideas that were better such as enforcing the existing rules, and partnering with the members of the community to come up with a better solution.

Paul Demitriades 2254 Evergreen Point Road – Medina

Mr. Demitriades addressed the Council advising that he was against any sub-division of the park and any fees being imposed on non-residents because this is a regional facility, and stated that he felt that keeping this park people and dog friendly was the way to go.

He liked the idea of delaying the decision and studying this situation a little more to come up with a solution that the people will be happy with.

Jeffery Smith 10013 N.E. 17th Street – Bellevue

Mr. Smith addressed the Council enlightening them of the wonderful community asset they have with the off-leash dog policy and explained how so many times, they have walked in the park and have come across little children, and their dogs have gone up and licked their faces, and they now like their dogs, and how when they walk in the park and find other dog's droppings, they pick them up to help. He would hope that the Council delayed its decision and come up with another solution.

**Lisa Johnson 907 82nd Avenue N.E. - Medina
17-year resident**

Ms. Johnson addressed the Council as a resident on Medina Park, explaining that although it was bad before the last meeting which was 15 years ago, things have come a long way since then, as now for the most part, the people that use the park are very respectful, most dog owners pick up after their dogs, and went on to state that she felt that this was an asset to the community, and it would be a shame to segregate the park. "Having the owners walking their dogs helps keep our park safer", Ms. Johnson exclaimed.

Michelle Benholdt

Ms. Benholdt addressed the Council as a non-Medina resident explaining how the park in her area had become empty once the on-leash law went into affect, and expounded on the contrast Medina Park has offered with it's wonderful and relaxed atmosphere, and friendly and playful dogs, and above all, the responsible dog owners, who of which 99% picked up after their dogs. "That is why I am one of the signatures on the petition to keep the park as it is".

Bill Ashe 1940 116th Avenue N.E. – Bellevue

Mr. Ashe addressed the Council as a regular park user for the last 4 years, advising that although they may exist, he nor his wife have never seen an incidence of someone being injured, and went on to explain that dogs are dogs and may jump on some, but stressed that you don't come to a dog park and expect to keep your tux clean. "What concerns me is that the complaints of a few, which I am sure are legitimate ones, outweigh the public needs of the many, which is evidenced by the number of signatures that have been gathered".

Nancy Biglow 2425 E. Evergreen Point Road – Medina

Ms. Biglow addressed the Council stating that she would like to see the whole park off-leash to dogs and proposed that the off-leash reminders be re-written to be more

specifically strict to the dog owners, and suggested that if the new ordinance is passed, that the Council make it seasonal such as to be in effect June 1st to September 15th as other Bellevue parks do.

**Ceilia Heathcoat 3232 78th Place N.E. – Medina
25-year resident**

Ms. Heathcoat addressed the Council advising that she was for an all off-leash park, and for getting rid of the 35ft dog restriction for running, reminding that all the parks around were unfairly unbalanced with mostly on-leash only rules. “ I am for guidelines, and volunteer policing at Medina Park to keep up and improve the quality of respectful behavior to non-dog people”, Ms. Heathcoat stated.

Meredith Shank 7863 N.E. 10th Street –Medina

Ms. Shank addressed the Council advising that what she would like to encourage is that the rules remain un-changed and that we work on educating the dog owners to be more responsible because everyone wanted to work out a solution that worked for everyone, and she can’t believe that can’t be done while keeping dogs off-leash. “ Please think these proposals through in a little more detail”, Ms. Shank urged.

Allyson Jackson 7633 N.E. 14th Street – Medina

Ms. Jackson addressed the Council stating that there had been a rumor in the community that the Council had made their decision on this issue, but as a supporter of many of the Council members and having deep respect for them, Ms. Jackson advised that this was not the case and that she felt that the Council would listen fairly to all the public comments that have been received. It is noted by all the citizens that came out to speak that there is a strong support within the community for there not to be a change to the existing regulations in the park.

Mary Jane Digameyer 7816 N. E. 12th Street – Medina

Ms. Digameyer addressed the Council advising that as a new resident, seeing the love, commitment and compassion in this community has moved her to tears, and she does not own a dog, but went on to remind that indigenous people had gathering places, and that is what Medina Park represents, the nucleus of this community. “ To take it upon yourselves to destroy it is a grave thing and I think that it needs a lot of consideration because to make a rash or hasty judgment would certainly be a detriment to this community.”

**Pamela Young 7979 N.E. 28th Street – Medina
7-year resident**

Ms. Young addressed the Council explaining how she had met most of the people in attendance at Medina Park, and how special this park was to her, and went on to state

how she has seen residents of Medina and residents of the surrounding communities remind dog owners to pick up after their dogs as well as nicely remind them if there dog were to get out of line. “ The people at this park are very responsible. I feel safe taking a very little dog to this park”.

Victor Melfi 7746 Overlake Drive West – Medina

Mr. Melfi addressed the Council advising that he enjoyed the kind of community aspect that comes from the park the way it currently does and noted that he knows residents on both sides of the issue and was surprised to hear that there were so many concerns and incidents but stressed that the majority of them really want to work things out. “ My suggestion is to list the problems, get people from both sides to develop a mitigation plan, implement the mitigation plan, survey the effectiveness, and develop a policy accordingly.”

Mayor Odermat closed the public hearing and requested that all questions for consideration be submitted, and all questions to the speakers be addressed at this time.

A member of the audience questioned the Council as to how many members had dogs.

The Council Members answered accordingly.

COUNCIL MEMBER PHELPS MOVED TO ADOPT THE PARK PROPOSAL BEFORE THE COUNCIL. COUNCIL MEMBER NUNN SECONDED THE MOTION.

The Council began a detailed discussion of the Draft Ordinance Establishing Dog Control Regulations in Medina Park, and gave their individual suggestions and comments.

Council Member Rudolph acknowledged that this was a controversial issue and noted that some form of ordinance change was in order.

Council Member Rudolph stated that the ideas presented by the Park Board were basically good, and went on to suggest a couple of ideas that the Council might consider for discussion, which included whether or not the ordinance should be made applicable for the summer months from mid April through mid October, and maybe limiting the number of dogs per individual.

Council Member Phelps stated that there was not often an issue that was not dominated my majority opinion, and noted that this one was better.

Council Member Phelps explained that this proposal encompasses not only the majority, but it encompasses something for everyone, and stressed that this park was not a punishment by any means to dog owners. They still have 60% of the park off-leash as well as 40% on-leash, however it also opens up a part of the park for people who are not pet owners who use the park for exercise, for socializing, for playing, people young and

old, and advised that she felt that this was a compromise that fits the community atmosphere that is enjoyed in Medina.

Council Member Adam stated that he was concerned with this legislation chipping away at what he looks at as the “tradition and the character of Medina.”

Council Member Adam explained that this was one of the unique things in Medina, and felt that if we keep changing those things, incrementally we’ll finally end up when we say, “where did Medina go?”. Council Member Adam stressed that he felt we might have an overreaction here and as it is now, it is not a good piece of legislation and reminded that we also have to look at the use of the park over a 12-month period and suggested that the Council look at a seasonal issue.

Deputy Mayor Nunn advised that he supports the proposal.

Deputy Mayor Nunn stated that Medina provides an unprecedented benefit to the region and will continue to do so. No city gives as much percentage of its park space to off-leash dog areas as Medina, and every person who likes to take their dogs and run them off-leash at Medina Park will be able to do it after this is passed and will continue to be able to do so for years to come. Deputy Mayor Nunn reminded that we are leaving 60% of the acreage of Medina Park for off-leash dog use. “This is about balance and fairness to everybody in the City, people who want to have their dogs off-leash, and people who are uncomfortable with it”.

Council Member Blazey advised that he did not support the proposal the way it was written and was really concerned about what he was seeing happen.

Council Member Blazey informed the Council that he felt that the report that categorized the problems in the park and laid the problems on the dogs and the dog owners was a bad report, and the Council should not base their decisions on that. He stressed that enforcement was an issue as he did not think that there has been any enforcement and this created more enforcement issues in his mind. “To me it’s clear that a majority of the people want no change in this ordinance”.

Mayor Odermat stated that she came here very convinced that they were pursuing a means of allowing all of the citizens peaceful enjoyment of the park by not taking away the dog off-leash privilege, just diminishing it to some degree.

Mayor Odermat advised that the other issue that troubled her was the lack of reciprocity when we want to go to other cities and take our dogs. We don’t have off-leash privileges by and large in most places, and Mayor Odermat explained that she was kind of curious why Medina ended up in this position where we are allowing all of our open space to be freely roamed by dogs, but we don’t have that option anywhere else that we go. “We need to sit back for the next 9 to 12 months and collect data and ask a lot of questions and come up with a more definite answer as to what the people of this city truly want”.

COUNCIL MEMBER RUDOLPH MOVED TO APPROVE THE PROPOSAL BEFORE THE COUNCIL AS AMENDED TO REFLECT THE FOLLOWING 4 AMENDMENTS:

1. ON-LEASH REQUIREMENT EXISIT FROM APRIL 15TH TO OCTOBER 15TH
2. THE NUMBER OF DOGS PER INDIVIDUAL IN MEDINA PARK BE LIMITED TO 2
3. THE WEST SIDE OF THE PARK BE ON-LEASH BUT NOT ON PATH
4. EXTEND THE AREA THAT BELONGS TO THE OFF-LEASH DOGS TO THE BIFURCATION OF THE PATHS.

MAYOR ODERMAT CALLED FOR THE VOTE OF APPROVING THE PROPOSAL AS AMENDED. THE MOTION WAS SECONDED AND WAS PASSED WITH 5 IN FAVOR AND 1 OPPOSED.

AWARDS AND PRESENTATIONS

Mr. Schulze informed the Council that the Coalition of Small Police Agencies, which consists of 13 agencies, including Medina, was awarded the 2004 Association of Washington Cities Municipal Law Enforcement Achiever of the Year Award.

ANNOUNCEMENTS

Mayor Odermat informed the Council that there is an excellent speaker giving a presentation at the AWC Budget Event in Lynnwood and suggested that anyone having the time sign up to attend.

CONSENT AGENDA

June 7, 2004 Minutes

Mayor Odermat noted that the June 7, 2004, minutes were not listed to be approved, but were part of the Council Packets.

COUNCIL MEMBER BLAZEY MOVED TO APPROVE THE CONSENT AGENDA. THE MOTION WAS SECONDED AND AFTER A BRIEF DISCUSSION, THE MOTION WAS PASSED WITH 5 IN FAVOR AND 1 ABSTENSTION.

AUDIENCE PARTICIPATION

None

REPORTS

Police Department

Council Member Phelps addressed the Chief of Police regarding false alarms and questioned whether or not the City imposed a fee for false alarms, and was informed that

there was a new ordinance in effect with more aggressive responses, and was also alerted to the fact that the number of false alarms was down.

Council Member Blazey questioned the Chief of Police regarding vehicle prowls and thefts, and was reminded that when the weather gets hot, the bad guys come out and that they do have a theft ring that they are aware of. They are working with other jurisdictions on this issue.

Council Member Rudolph addressed the Chief of Police regarding mailbox theft and question if it would be of any merit to have the City make available to the citizens for an appropriate fee, locked mailboxes and was informed by Mr. Schulze that the City had already taken that initiative and advised that they can provide a list of vendors and run more articles to promote the idea.

DEVELOPMENT SERVICES

Council Member Adam questioned Planning Director, Joseph Gellings reminding that on June 14, 2004, the Council requested follow-up on options to clarify the Code regarding utility under grounding and the sequential reconstructions, and was informed by Mr. Gellings that he would follow-up informally in the future development services report on sequential permits. Regarding private lanes, he advised that he was still working on that issue.

PUBLIC WORKS

Council Member Blazey addressed Public Works Director Shel Jahn advising that he went down to the dock park on 84th, and noted that the hand railing down the stairs was torn out, and was informed by Mr. Jahn that it was looked into, and there was a railing on the opposite side, so he considered it safe at this point, but advised that they do have a plan to put in a whole new set of steps.

It was the consensus of the Council that the stairs were not safe, and questioned when this could be handled.

Mr. Schulze explained that this was an issue that could be handled by a simple e-mail or phone call to him as it was an administrative issue, not a policy matter.

Council Member Blazey suggested putting the 84th Street dock in their notes just so it stays on our radar screen.

Council Member Phelps addressed Mr. Jahn regarding the BBQ pits at Medina Beach questioning whether or not the one that was lost would be replaced and was informed that he was not aware that one was gone but he would look into it.

Park Board

Mr. Jahn addressed the Council explaining that the Public Works could very easily change any of the ramps anywhere in these ponds, and had planned on improving the ramp on the east side to enhance it so that it becomes more accessible for the dogs, so having the limitation of where these currently are is not really a limitation.

Mr. Jahn pointed out the area on the map of Medina Park that was most sensitive, vegetation wise, and pointed out where they were getting most of their damage and stated that this was not heard before the decision was made because he was not allowed to speak during public testimony.

Council Member Rudolph informed the Council that they lost the opportunity for some valuable input by Mr. Jahn feeling inhibited that he could not make a comment during the discussion about the ramps, and felt that it may have been helpful and would like to work out a system where staff can comment if they have something relevant to say that might bear on the decision of the Council.

Mr. Schulze explained that the direction received from Council did not prohibit the Council from taking the initiative to ask a question of a staff member if something comes up, and would encourage that.

EMERGENCY PREPAREDNESS COMMITTEE

The Emergency Preparedness Committee has elected to meet quarterly.

CITY MANAGER'S REPORT

None

OTHER BUSINESS

Commissioner Phelps questioned if the last page of the newsletter had to be blank and suggested that the page be filled with Council information.

NEW BUSINESS

Mr. Schulze provided the Council with an updated calendar with changes in **bold**.

EXECUTIVE SESSION

None

ADJOURNMENT

DEPUTY MAYOR NUNN MOVED TO ADJOURN. THE MOTION WAS SECONDED AND WAS PASSED WITH ALL IN FAVOR.

The meeting was adjourned at 10:34 p.m.

Mayor Mary Odermat

Attest:

La Tanya Banks, Recording Secretary